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Clerk  
District Court

APR 12 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

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Attorneys for Defendant Todd Keith Johnson

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

ALAN STUART MARKOFF, D.D.S. dba ) TOOTHWORKS and OPEN CHOICE, ) ) Plaintiff, ) vs. ) TODD KEITH JOHNSON, D.D.S., ) Defendant. )	CIVIL ACTION NO. CV-05-0035  DEFENDANT'S PRE-DISCOVERY DISCLOSURE STATEMENT  Date : Munson, Chief Judge Time : April 13, 2006 Judge : 9:30 a.m.
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Defendant Todd Keith Johnson, by and through counsel, pursuant to L.R. 16.2 (c)(J)(d) and Fed.R.Civ.Pro. Rule 26(a), submits the following disclosures:

A. Persons With Potentially Discoverable Information

	<u>Name/Address</u>	<u>Subject Of Information</u>
1.	Million Dollar Dental Practices ("MDP") P.O. Box 880 Gleneden Beach, Oregon Tel. No.: (541) 764-5580	Performed an extensive analysis of Toothworks' and Open Choice's financial documents in order to do an appraisal and was the initial broker for the sale of Toothworks and Open Choice to Plaintiff.
a.	Doug Seibert	Head of MDP

ORIGINAL

1	b.	Jim Seibert	Traveled to Saipan as part of MDP's review and appraisal and at one time bid to purchase Toothworks/Open Choice together with Plaintiff.
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4	c.	Laura Peters	Took over from her father as the broker for the parties actual performed financial analysis.
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6	d.	David Perry	On information and belief, actual performed financial analysis.
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9	2.	Michael Lerner, CPA Houston, Texas	Reviewed Toothworks' and Open Choice's financial documents and gave Plaintiff Advise as to the value of Toothworks and Open Choice.
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11	3.	Alan Stuart Markoff Toothworks and Open Choice P.O. Box 504699 Saipan, MP 96950	Plaintiff's case.
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14	4.	Mrs. Becki Markoff Houston, Texas	Plaintiff's case.
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16	5.	Wallis State Bank Texas	Reviewed Toothworks' and Open Choice's financial documents; noticed certain financial discrepancies and brought them to Plaintiff's attention.
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19	6.	Progressive Management Consultants Illinois	Second broker for the sale of Toothworks and Open Choice.
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21	7.	Todd Johnson 1041 NW 71 <sup>st</sup> Place Oklahoma City, OK 73116	Plaintiff's case and Defendant's defenses.
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23	8.	John Ronan Minnesota	Ran Toothworks in the transition period while knows about Toothworks' financial sale negotiations were taking place. Knows about Toothworks' financial documents and had discussions with Plaintiff.
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	9.	Angie Mamaril Unknown	Former head bookkeeper of Toothworks.

10. James Peters Attorney for Dr. Johnson during sale of  
120 North Robinson, Suite 1719 dental practice.  
Oklahoma City, Oklahoma
11. David Washburn Attorney for Dr. Markoff during sale of  
2800 Post Oak Blvd. dental practice.  
Houston, Texas  
Tel. No.: (713) 892-4813
12. David Burger Helped Defendant set up his bookkeeping  
Burger and Comer, PC methods and operations.  
P.O. Box 504053  
Saipan, MP 96950  
Tel. No.: 235-8722

B. Description of Relevant Documents

1. The financial records of Toothworks and Open Choice were originally in Saipan, were sent to Oregon (Million Dollar Dental Practice) then on to Texas. Defendant also has copies at his residence in Oklahoma.
2. Documents used by Million Dollar Dental Practice to formulate its extensive appraisal report. Most likely located in Oregon.
3. Documents used by Wallis Bank in its review of Toothworks' and Open Choice's financial documents. Most likely located in Texas.
4. Documents reviewed and used by MDP. Located in Oregon.
5. Documents reviewed and used by Plaintiff in his decision to purchase Toothworks. Located with Plaintiff's accountant in Houston, Texas.
6. Correspondence among Plaintiff, Defendant, MDP and Progressive Management Consultants. Some are located with Plaintiff, some with MDP in Oregon, some with Defendant in Oklahoma.

C. Computation of Damages

N/A

1 D. Insurance Agreement

2 N/A

3 Dated: April 2, 2006

O'CONNOR BERMAN DOTTS & BANES  
Attorneys for Defendant Todd Keith Johnson

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7 By: 

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